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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/957,457	09/21/2001	Leif Gustafson	2466-100	2502

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NIXON & VANDERHYE P.C.

8th Floor

1100 North Glebe Road

Arlington, VA 22201

EXAMINER

CHARLES, DEBRA F

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/957,457

Applicant(s)

GUSTAFSON, LEIF

Examiner

Debra F. Charles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Claim Objections***

1. Claims 1,2 and 5-8 are objected to under 37 CFR 1.75(c) as being in improper form because multiple dependent claims 3, 7 and 9. See MPEP § 608.01(n). Accordingly, the claims 1,2 and 5-8 not been further treated on the merits.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear to the examiner what the applicant means by balancing market of the electricity system. It is not clear if the applicant means the market clearing price of the futures contracts or spot prices, or the process of balancing electricity load on the electricity grid.

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4. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: the exact steps the computer system goes through to move data from point to point in the system. The examiner recommends the applicant include more detail on exactly how the invention functions to the extent that an individual of ordinary skill can effectively re-create the working invention.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2,5,6, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al.(U.S.PUB. 2002/0091626 A1) and Wagner(U.S.PAT. 4903201A).

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Re claims 1, 5 and 10: Johnston et al. disclose an electricity distribution system comprising a number of producers and a number of consumers, each consumer receiving electrical power from a common electrical network interconnecting all procedures with each of the consumers(Abstract, para. 0019), the system further comprising;

Johnson et al. disclose(s) the claimed invention except - a first trading system for trading electricity contracts corresponding to electricity to be distributed on said electricity distribution system,

- the first trading system being connected to a price information dissemination unit distributing real time price information corresponding to the prices for the contracts traded in the trading system,
- means interconnecting each consumer with said price dissemination unit, enabling consumer to receive real time prices from the trading system, and

- means for performing settlement in response to the real time prices received from the trading system. However, in col. 1, lines 5-35, col. 5, lines 30-61, col. 8, lines 15-55, col. 10, lines 15-40, col. 11, lines 1-20, col. 17, line 30-col. 18, line 35, Fig. 15, thereof, Wagner disclose(s) a futures trading system for commodities(of which electricity is a commodity), a clearing system which is a settlement

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system, a price display system for exchange users in which the price is collected and stored in a database and displayed. It would be obvious to one of ordinary skill in the art to modify the invention of Johnson et al. based on the teachings of Wagner. The motivation to combine these references is to improve the efficiency and effectiveness of electricity futures contracts trading within an electricity distribution system.

Re claims 2 and 6: Johnson et al. disclose(s) the claimed invention except a system wherein the first trading system is the balancing market of the electricity system. However, in col. 1, lines 5-35 thereof, Wagner disclose(s) market that enables a market clearing and pricing mechanism. It would be obvious to one of ordinary skill in the art to modify the invention of Johnson et al. based on the teachings of Wagner. The motivation to combine these references is to effectively establish a market clearing price for the trading activity.

Re claim 9: Johnson et al. disclose(s) the claimed invention except wherein the message comprise the following information.

- information identifying the unit
- contract type
- time during which the contract is valid
- price

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However, in Figs. 1, 2, and 4, col. 8, lines 50-67, col. 10, lines 15-55 thereof, Wagner discloses price, contract type, quantity, buy, sell and account type as well as other information related to the trade. It would be obvious to one of ordinary skill in the art to modify the invention of Johnson et al. based on the teachings of Wagner. The motivation to combine these references is to effectively incorporate all characteristics of the trade in the master file database.

7. Claims 3, 4, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. and Wagner as applied to claims 1, 2, 5 and 6 above, and further in view of Garber(WO 98/21667).

Re claims 3, 4, 7 and 8: Johnson et al. and Wagner disclose(s) the claimed invention except wherein the price information dissemination unit is connected to a second trading system. And wherein the second trading system is an exchange trading spot contacts.

However, in pages 2, lines 15-35, page 4, lines 25-35, page 6, line 35, thereof, Garber discloses a two-tiered trading system that incorporates a spot market. It would be obvious to one of ordinary skill

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in the art to modify the invention of Johnson et al. and Wagner based on the teachings of Garber. The motivation to combine these references is to effectively establish a market clearing price for the trading activity.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra F. Charles whose telephone number is (703) 305-4718. The examiner can normally be reached on 9-5 Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A. Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Debra F. Charles  
Examiner  
Art Unit 3624

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VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3624

